

**REMARKS**

In the Office Action of April 23, 2007, the Examiner rejected claims 1-6, 11-36, 38, 40 and 41. In the present Amendment, claims 1, 34, and 38 have been amended. Allowance of all pending claims is respectfully requested in view of the following remarks. No new subject matter is being added by this response.

**Claim Rejections Under 35 U.S.C. §112, first paragraph**

Claims 1-6, 11, 12, 40, and 41 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Particularly, the Examiner objects to the limitation of receiving predesignated data "without interrogating." Support for the limitation "without interrogating" can be found in paragraph [0038] of the originally filed application, which states:

The mobile unit RFID transceiver 202 of the mobile unit 102 will, in one embodiment of the present invention, send the data in a signal form that is similar to what an RFID tag would send in response to an interrogation. For example, the mobile unit RFID transceiver 202 sends a transmission similar in form to a RFID tag response (e.g. a simulated backscattered signal) to the access point 104 via the RFID antenna 106 and RFID transceiver 310 of the access point 104. While simulated backscattered signals can be used, any format or protocol that is mutually compatible between the mobile unit RFID transceiver 202 and the RFID transceiver 310 of the access point can be used. The data can then be sent through the connection 108 of the access point 104 and to a computer network 110 or similar device.

As noted in MPEP 2163.02, the standard for written description is "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed." Since the description describes how to receive predesignated data without interrogating the mobile device, it is respectfully submitted that claim 1, and the claims dependent thereon, comply with the written description requirement.

Claims 1-6, 11, 12, 34-36, 38, 40, and 41 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Concerning claims 1-6, 11, 12, 40, and 41, the Examiner particularly objects to the limitation of receiving predesignated data

“without interrogating.” As noted in MPEP 2164.01, enablement requires that the disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. Since the above-cited portion of paragraph [0038] describes how the RFID transceiver receives data without interrogating the mobile device, it is respectfully submitted that claim 1, and the claims dependent thereon, satisfy the enablement requirement.

The Examiner particularly rejects claims 34, 38, and 41 for reciting the “predetermined set of transmission including slow data rate updates, configurations, status, and device monitoring.” It is respectfully submitted that collecting data related to slow data rate updates, configurations, status, and device monitoring is well within the ordinary skill in the art. As such, one skilled in art reviewing the disclosure would be able to make and use the invention.

Claim Rejections Under 35 U.S.C. §112, second paragraph

Claims 34-36 and 38 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 34 and 38 have been amended to clarify the claimed invention and to overcome the rejection under 35 U.S.C. §112, second paragraph.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 3-6, 11, 12, and 41

Claims 1, 3-6, 11, 12, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Publication WO 02/096032 to Grego (“Grego”) in view of U.S. Patent No. 6,892,052 to Kotola (“Kotola”), U.S. Patent Publication No. 2003/0007473 to Strong (“Strong”), and U.S. Patent No. 6,150921 to Werb (“Werb”).

Claim 1 recites, in part “wherein the RFID transceiver is further configured to receive selected, predesignated data without interrogating the mobile device to reduce demand on the wireless transceiver.” Strong is cited for disclosing this feature, but Strong merely discloses a system that includes RFID beaconing tags. However, Strong does not disclose or suggest that the RFID transceiver receives selected, predesignated data that reduces demand on the wireless network. Instead, the RFID beacons disclosed in Strong are simple beacons that transmit all of their data continuously to the RFID transceiver.

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance. Claims 3-6, 11, 12 and 41 depend from claim 1 and are allowable at least for that reason.

Claim 2

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Grego in view of Kotola, Strong, and Werb, and further in view of U.S. Patent Publication No. 20040236967 to Korcharz ("Korcharz"). Korcharz fails to cure the deficiency in the rejection of claim 1. Accordingly, claim 2 distinguishes over the cited prior art at least for the reasons discussed above.

Claim 40

Claim 40 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Grego in view of Kotola, Strong, and Werb, and further in view of U.S. Patent No. 6,909,705 to Lee ("Lee '705"). Lee '705 fails to cure the deficiency in the rejection of claim 1. Accordingly, claim 40 distinguishes over the cited prior art at least for the reasons discussed above.

Claims 13, 15-18, 23-26, and 28-33

Claims 13, 15-18, 23-26, and 28-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Grego in view of Kotola and Strong, and further in view of U.S. Patent No. 5,960,344 to Mahany ("Mahany"). Independent claim 13 and claim 28 each recite, in part, "the mobile unit wireless transceiver is configured to send data to a first access point and the mobile RFID transceiver is configured to send data to a second access point." Although Mahany is cited for disclosing multiple transceiver and mobile units, neither Mahany nor the other cited references disclose a mobile unit with a wireless transceiver configured to send data to a first access point and an RFID transceiver configured to send data to a second access point. At best, the proposed combination with Mahany would still result in the mobile unit utilizing the wireless transceiver and/or the RFID transceiver to send data to the same, nearest (or most available) access point. Accordingly, it is respectfully submitted that claims 13 and 28 are in condition for allowance. Claims 15-18 and 23-26 depend from claim 13, and claims 29-33 depend from claim 28. For at least this reason, claims 15-18, 23-26, and 29-33 are also in condition for allowance.

Claim 14

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Grego in view of Kotola, Strong, and Mahany, and further in view of Korcharz. Claim 14 depends on

claim 13. Korcharz fails to cure the deficiency in the rejection of claim 13. Accordingly, claim 14 distinguishes over the cited prior art at least for the reasons discussed above.

Claims 19-22

Claims 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Grego in view of Kotola, Strong, Mahany, and further in view of Werb. Claims 19-22 depend on claim 13. Werb fails to cure the deficiency in the rejection of claim 13. Accordingly, claims 19-22 distinguishes over the cited prior art at least for the reasons discussed above.

Claim 27

Claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Grego in view of Kotola, Strong, and Mahany, and further in view of Lee '705. Claim 27 depends on claim 13. Korcharz fails to cure the deficiency in the rejection of claim 13. Accordingly, claim 27 distinguishes over the cited prior art at least for the reasons discussed above.

Claims 34-36 and 38

Claims 34-36 and 38 stand rejected as being unpatentable over Grego in view of Kotola and additionally in view of U.S. Patent Publication No. 2004/0039817 to Lee ("Lee '817"). Claim 34 recites, in part, "transferring data via a mobile unit RFID transceiver to an RFID transceiver of the access point if the wireless transceiver of the wireless access point is unavailable or if the data to be transferred is one of a set of predetermined transmissions including slow data rate updates, configurations, status, and device monitoring; and transferring data via a mobile unit wireless transceiver if the wireless transceiver of the access point is available." Claim 38 recites similar elements.

Lee '817 is cited for disclosing these elements. Although Lee '817 discloses multiple access points, neither Lee '817 nor the other cited references disclose transferring data to a RFID transceiver or a wireless transceiver based on the data type. Accordingly, claims 34 and 38 are in condition for allowance. Claims 35 and 36 depend on claim 34 and are allowable at least for that reason.

Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance and favorable action is respectfully requested. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Application No. 10/799,064  
Response to Office Action of April 23, 2007

While no other fees are believed due, the applicant hereby requests that any other required fee to maintain pendency of this case, except for the Issue Fee, be charged to Deposit Account 50-2091.

Respectfully submitted,  
INGRASSIA FISHER & LORENZ

Dated: July 23, 2007

By           /CHAD C. ANDERSON          /            
Chad C. Anderson  
Reg. No. 44,505  
(480) 385-5060

Customer No. 29906